

REMARKS

INTRODUCTION:

In accordance with the foregoing, the specification and claim 1 and 38 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-39 are pending and under consideration.

ALLOWABLE SUBJECT MATTER:

In the Office Action, at page 4, the Examiner indicated that claims 5-29 and 31-37 would be allowable if rewritten in independent form. Applicant holds rewriting of these claims in abeyance until the Examiner has had the opportunity to review the arguments presented herein.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action, at page 2, the Examiner rejected claims 1-4, 30, and 38 under 35 U.S.C. §102 (b) as being anticipated by Hudson (US 6, 270,047 – hereinafter Hudson). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

"Anticipation requires the presence in a single prior art reference the disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GMBH v. American Hoise and Derrick Co., 221 USPQ 481, 485 (Fed. Cir 1984).

Amended, independent claim 1 recites: "...a monitor body; a body bracket fixedly coupled to the monitor body; a slider connected with the body bracket; a guide rail to stand on the base part, and to guide the slider to slide thereon so as to move the monitor body up and down...."

And amended, independent claim 38 recites: "...a monitor body; a body bracket fixedly coupled to the monitor body; a base part; a stand part to stand on the base part, the stand part comprising a slider to connect with the monitor body, and a guide rail to stand on the base part, and to guide the slider to slide thereon so as to move the monitor body up and down; a connecting assembly to connect the stand part to the body bracket; a supporting bracket to support the connecting assembly...."

The Examiner appears to assert that the support arm 16, platform 18, the adjustable

fasteners secured at pivot axis 24, the pivot axes 26, 28, and the edges around the slot near 24 of FIG. 1 of Hudson correspond, respectively, to the main body 10, the body bracket 6, the sliders 12, the connection assembly 7, and the guide rails 11 of the subject application. Further, the Examiner appears to assert that the slide bracket assembly 10 of Hudson corresponds with the base part 3, the guide bracket 30, and the stand supporting part 2 of the subject application. Applicants respectfully disagree.

Initially, Applicants respectfully note that the Examiner does not assert that Hudson discloses anything correlated to the stand part recited in independent claim 38.

Additionally, as noted above, independent claim 38 recites "a body bracket fixedly coupled to the main body."

In Hudson, the platform 18 is not fixedly coupled to the support arm 16. Further, if platform 18 were fixedly coupled to support arm 16, then the device would not be able to perform one of the intended objects of Hudson's invention, namely tilting of the platform 18 in the pitch range 19. (See Hudson, at col. 1, lines 51-54).

Further, it is unclear how the edges surrounding the indicated slot near number 24 of the Examiner's drawing on page 3 of the Office Action "stand" on the slide bracket assembly 10 of Hudson as asserted by the Examiner in conjunction with the Examiner's drawing.

Also, regarding claim 30, it is unclear from the Examiner's drawing on page 3 of the Office Action, which element of Hudson that the Examiner asserts correlates with the claimed stand supporting part. But regardless, none of the elements of Hudson provide an accommodating space for the edges surrounding the indicated slot near number 24 of the Examiner's drawing.

Additionally, Applicants respectfully note that while the present invention relates to a display apparatus conveniently adjusting a position of a monitor body, and, according to a non-limiting embodiment of the present invention, the display apparatus has a slider, a guide rail, and a spiral spring. In contrast, Hudson merely relates to a keyboard tilt mechanism. As such, the technical features and technical objects of the subject application differ from those of Hudson.

Accordingly, Applicants respectfully submit that independent claims 1 and 38 patentably distinguish over the cited art, and should be allowable for at least the above-mentioned reasons. Further, Applicants respectfully submit that claims 2-37, which ultimately depend from independent claim 1, should be allowable for at least the same reasons as claim 1, as well as for the additional features recited therein.

NEW CLAIM:

Applicant respectfully submits that for at least similar reasons as those stated in the section regarding the rejection under 35 U.S.C. §102, new claim 39 patentably distinguishes over the cited art and should be allowable.

CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

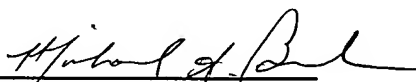
If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: May 24, 2005

By: 
Michael A. Bush
Registration No. 48,893

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501